

CIRCUIT COURT FREDERICK COUNTY STATE OF MARYLAND RM
7/13/2023

STATE OF MARYLAND
Plaintiff

v.

Case No.: C 10 CR 23 000604

DENNIS RAYMOND FAVILLA
Defendant

DEMAND/REQUEST TO SUPPRESS/EXCLUDE EVIDENCE, DISMISS OR SEVER

Defendant, pursuant to Rules 4-252 and 4-253 of the Maryland Rules of Criminal procedure respectfully represents the following to this Honorable Court:

1. That any in-court identification of the Defendant by prosecution witnesses will be tainted as the result of impermissibly suggestive identification procedures undertaken by police authorities as to give rise to a substantial likelihood of irreparable misidentification.

WHEREFORE, Defendant respectfully prays that this Honorable Court suppress any in-court identification of Defendant, which may be undertaken by the State..

2. That article of evidence taken from Defendant by police authorities were obtained as the result of an illegal search and seizure in violation of defendant's constitutional rights.

WHEREFORE, Defendant respectfully prays that this Honorable Court suppress all evidence obtained by police authorities as the result of an illegal search and seizure.

3. That any statements and/or confessions taken from Defendant by police authorities were elicited without mandatory procedural safeguards in violation of defendant's constitutional rights.

WHEREFORE, Defendant respectfully prays that this Honorable Court suppress all statements and/or confessions taken from Defendant by police authorities.

4. That Defendant may be charged with unrelated crimes. That a joint trial on this charge and any others would prejudice Defendant's right to a fair and impartial trial.

WHEREFORE, Defendant respectfully prays that this Honorable Court sever the trial of these charges.

5. That Defendant may be jointly charged with other defendant(s). That facts involved in the trial of the Defendant are at variance with those involved in the trial of any other defendant(s). That a joint trial of the Defendant with any Co-Defendant(s) would prejudice his right and deny him a fair and impartial trial.

WHEREFORE, Defendant respectfully prays that this Honorable Court sever his trial from that of any Co-Defendant(s).

6. That the Criminal Information and or Indictment information is defective.

WHEREFORE, Defendant respectfully prays for dismissal of the Criminal Information and/or Indictment information.

7. That this prosecution is barred because of statute of limitations, immunity, and for former jeopardy.

WHEREFORE, Defendant respectfully prays for dismissal of the Criminal Information and/or Indictment information.

Respectfully submitted this 12th day of July, 2023.

/s/ Ira C. Cooke
Ira C. Cooke, Esquire, #1207110001
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CERTIFICATE OF SERVICE

I hereby swear that a copy of Defendant's Demand/Request to Suppress/Exclude Evidence, Dismiss or Sever has been electronically e-filed through MDEC with the Clerk of Circuit Court for Frederick County and served electronically via MDEC to the Frederick County State's Attorney's Office, and to all appropriate parties involved, this 12th day of July, 2023.

/s/ Ira C. Cooke
Ira C. Cooke, Esquire, #1207110001
The Cooke Group LLC